

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GISELLE NEVAREZ, et al.,)	
)	No. 1:24-cv-2447
Plaintiffs,)	
)	Hon. Judge Manish S. Shah
v.)	
)	Hon. Mag. Judge Jeffrey T. Gilbert
HIGH HEELS DANCING CO., et al.,)	
)	Jury Trial Demanded
Defendants.)	

PLAINTIFFS' MOTION FOR LEAVE TO FILE REPLY BRIEF

Plaintiffs move this Court for leave to file a Reply in support of their Motions to Enforce the Court's Order, to Compel Discovery, for Discovery Sanctions, to Stay the Notice and Opt-In Period, and to Equitably Toll the Statute of Limitations (filed on September 19, 2024, ECF No. 34), and for Civil Contempt (filed on October 1, 2024, ECF No. 40). In support of this motion, Plaintiffs state:

1. On September 19, 2024, Plaintiffs filed their Motion to Enforce (ECF No. 34), after Defendants failed to comply with multiple Court orders related to discovery obligations.

2. Due to Defendants' continued non-compliance, including failure to provide discovery materials and missed deadlines, Plaintiffs filed a subsequent Motion for Civil Contempt on October 1, 2024 (ECF No. 40), detailing Defendants' ongoing violations.

3. At that time, the Court did not permit further replies following Defendants' responses to Plaintiffs' motions. However, since the filing of these motions, new developments have occurred that materially impact Plaintiffs' claims, including forensic evidence confirming spoliation and other significant noncompliance by Defendants.

4. Plaintiffs now seek leave to file a short reply to address these developments and respond to Defendants' claims in their response briefs. A proposed Reply is attached as Exhibit 1 for the Court's consideration (along with Exhibit 1 to that Reply).

5. This Court has authority to permit such a reply under its inherent authority to vested to achieve the orderly and expeditious disposition of cases. *See Chambers v. Nasco, Inc.*, 501 U.S. 32 (1991) (citing *Link v. Wabash R. Co.*, 370 U. S. 626, 630-631 (1962)).

6. This reply will assist the Court in resolving the pending motions by providing new information as to Defendants' escalating noncompliance with its orders, including spoliation of evidence, and clarifying critical points raised in the briefing.

7. Plaintiffs fully intend to comply with this Court's prior order and file an additional status report on October 29, 2024.

WHEREFORE, Plaintiffs respectfully request that this Court grant leave to file the attached Reply in support of Plaintiffs' Motions to Enforce and for Civil Contempt instanter, and for such other relief as this Court deems just and proper.

Dated: October 29, 2024

Respectfully submitted,

/s/ Max Barack

One of the Plaintiffs' Attorneys

CERTIFICATE OF SERVICE

I, Max Barack, hereby certify that on October 29, 2024, the foregoing was filed electronically. Notice of this filing will be sent to the following individuals by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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